

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, SEPTEMBER 23, 2021

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APPLICATION OF

KENTUCKY UTILITIES COMPANY  
d/b/a OLD DOMINION POWER COMPANY

CASE NO. PUR-2021-00171

For an adjustment of electric base rates

ORDER FOR NOTICE AND HEARING

On August 31, 2021, Kentucky Utilities Company d/b/a Old Dominion Power Company ("KU/ODP" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") requesting authority to adjust its electric base rates pursuant to Chapter 10 of Title 56 of the Code of Virginia ("Code")<sup>1</sup> and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-Owned Electric Utilities.<sup>2</sup>

KU/ODP seeks an increase in base rates to produce an increase in revenues in the amount of approximately \$12.2 million, which is an 18.1% increase in its total operating revenues, including fuel.<sup>3</sup> The Company indicates that this rate request is based on a 10.40% return on common equity.<sup>4</sup> Additionally, KU/ODP proposes to increase its basic service charge for residential service.<sup>5</sup> Specifically, for residential customers, the Company proposes a basic

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<sup>1</sup> Code § 56-232 *et seq.*

<sup>2</sup> 20 VAC 5-204-5 *et seq.*

<sup>3</sup> Application at 1; *See* Direct Testimony of Christopher M. Garrett at 1.

<sup>4</sup> Application at 2; Direct Testimony of Adrien M. McKenzie at 3-4.

<sup>5</sup> Direct Testimony of Robert M. Conroy ("Conroy Direct") at 11-12.

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service charge of \$15.00 per month.<sup>6</sup> This represents a \$3.00 increase to the Company's current \$12.00 basic service charge for residential service.<sup>7</sup>

If KU/ODP's proposed rate increase is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to the Company, the proposed increase would raise the monthly bill of a residential customer using 1,000 kilowatt hours per month by \$24.20, from \$123.28 to \$147.48, an increase of 19.63%.<sup>8</sup> KU/ODP proposes an effective date of October 1, 2021, for the increase with the expectation that the Commission will suspend enforcement of the proposed rates, rules, and regulations until the Commission's final order is entered in this proceeding, pursuant to Code § 56-238.<sup>9</sup>

According to the Application, KU/ODP plans on deploying Advanced Metering Infrastructure ("AMI") in its Virginia service territory.<sup>10</sup> The Company states that the capital investment required for full AMI deployment in Virginia is less than \$8 million.<sup>11</sup> The Company further represents that full deployment of AMI in Virginia is the most cost-effective solution for reading meters, saving KU/ODP customers nearly \$5 million.<sup>12</sup> KU/ODP states that the cost of the AMI plans will not have any effect on customer bills as a result of this case.<sup>13</sup> The Company

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<sup>6</sup> *Id.* at 11.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 15; Application at Schedule 43.

<sup>9</sup> Application at 8.

<sup>10</sup> *Id.* at 9.

<sup>11</sup> Conroy Direct at 17.

<sup>12</sup> Direct Testimony of Lonnie E. Bellar at 34.

<sup>13</sup> *Id.* at 36-37.

also states that in its first base rate application following the completion of its Virginia AMI deployment, it will include optional time-of-day rates for residential and general service customers to help customers maximize their savings opportunities.<sup>14</sup> The Company states that customers electing to opt out of having an AMI meter installed, or to have it removed if already installed, will pay a set-up charge of \$33.00 and a recurring monthly charge of \$14.00 related to ongoing costs of opt-outs, including meter reading costs.<sup>15</sup> KU/ODP requests the Commission issue a declaratory order that a certificate of public convenience and necessity is not required under Virginia law for the Company's planned AMI project; or in the alternative, if the Commission determines that a certificate is required, then the Company requests the Commission grant a certificate of public convenience and necessity for the proposed AMI deployment.<sup>16</sup>

Additionally, KU/ODP proposes a demand-side management and energy efficiency ("DSM") pilot program in this case.<sup>17</sup> The Company states that if, in this case, the Commission approves its proposed process to implement a DSM pilot program, KU/ODP will proceed with the evaluation and design of DSM programs and then request implementation of the programs and a cost-recovery rider in a separate filing.<sup>18</sup> KU/ODP states that the implementation filing will include the proposed programs, the evaluation of their cost-effectiveness, the cost of the

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<sup>14</sup> Conroy Direct at 18.

<sup>15</sup> *Id.* at 19-20.

<sup>16</sup> Application at 9-10.

<sup>17</sup> *Id.* at 10.

<sup>18</sup> *Id.*; Direct Testimony of John Bevington at 8.

proposed programs to be recovered in the rider, and the implementation and billing of the rider.<sup>19</sup>

The Company proposes, as part of the pilot program, to reduce its annual energy jurisdictional retail sales by 0.02 percent beginning in 2024.<sup>20</sup> KU/ODP requests that the Commission issue a declaratory order finding that KU/ODP's proposed DSM pilot program satisfies KU/ODP's requirement under Code § 56-596.2.<sup>21</sup>

The Application also includes proposed revisions to the Company's tariffs, including revisions to Private Outdoor Lighting Service (Rate P.O.L.T.); the Disconnecting and Reconnecting Service Charge; the Meter Pulse Charge; Standard Rate Rider NMS, Net Metering Service; Standard Rate Rider TS, Temporary/Seasonal Service; Standard Rate Rider GT, Green Tariff; Standard Rate Rider EDR, Economic Development Rider; and the Company's Terms and Conditions of Service.<sup>22</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that KU/ODP should provide public notice of its Application; public hearings should be scheduled for the purpose of receiving testimony and evidence on the Application; interested persons should have an opportunity to file comments on the Application or participate as a respondent in this proceeding; and the Commission's Staff ("Staff") should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon. We further find that KU/ODP's proposed changes in rates, tolls, charges, rules, and regulations should be suspended until the Commission's final order in this

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<sup>19</sup> Application at 10.

<sup>20</sup> *Id.* at 11-12.

<sup>21</sup> *Id.* at 12.

<sup>22</sup> Direct Testimony of Michael E. Hornung at 2-8.

proceeding. Finally, we find that a Hearing Examiner should be assigned to conduct all further proceedings in this matter on behalf of the Commission, including filing a final report containing the Hearing Examiner's findings and recommendations.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.<sup>23</sup> Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

We note that the Company's Application, if approved, would result in an increase to customer bills. We realize that the current COVID-19 public health issues have caused devastating economic effects that impact utility customers. We have responded to this economic emergency by, among other actions, directing Virginia utilities to offer extended payment plans, without late fees for those who are current on such plans, to protect customers from service disconnection. We are sensitive to the effects of rate increases, especially in times such as these.

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<sup>23</sup> See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020), ("Revised Operating Procedures Order") *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

The Commission, however, must and will follow the laws applicable to this case, as well as the findings of fact supported by evidence in the record.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2021-00171.

(2) The Company's proposed changes in rates, tolls, charges, rules, and regulations are suspended pursuant to Code § 56-238 until the Commission's final order in this proceeding.

(3) All pleadings in this matter should be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").<sup>24</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.<sup>25</sup>

(4) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

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<sup>24</sup> 5 VAC 5-20-10 *et seq.*

<sup>25</sup> As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

(5) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the Commission.

(6) The Commission hereby schedules a telephonic hearing for the receipt of testimony from public witnesses on the Company's Application, as follows:

- (a) A hearing for the receipt of testimony from public witnesses on the Company's Application shall be convened telephonically at 10 a.m. on March 9, 2022, with no public witness present in the Commission's courtroom.<sup>26</sup>
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before March 4, 2022, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141.
- (d) Beginning at 10 a.m. on March 9, 2022, the Commission will telephone sequentially each person who has signed up to testify as provided above.
- (e) This public witness hearing will be webcast at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting).

(7) A public evidentiary hearing on the Application shall be convened at 10 a.m. on March 10, 2022, either in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means, to receive testimony and evidence offered by the Company, respondents, and the Staff on the

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<sup>26</sup> The Commission will convene counsel of record in this proceeding to attend the public witness hearing virtually.

Application. Further details on this hearing will be provided by subsequent Commission Order or Hearing Examiner's Ruling.

(8) An electronic copy of the public version of the Company's Application may be obtained by submitting a written request to counsel for the Company, Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 500 West Jefferson Street, Suite 2000, Louisville, Kentucky 40202-2828, or [kendrick.riggs@skofirm.com](mailto:kendrick.riggs@skofirm.com). Interested persons also may download unofficial copies of the public version of the Application and other documents filed in this case from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

(9) On or before October 15, 2021, the Company shall cause the following notice to be published as display advertising (not classified) on one occasion in newspapers of general circulation throughout the Company's service territory in Virginia:



NOTICE TO THE PUBLIC OF AN  
APPLICATION BY KENTUCKY UTILITIES COMPANY  
D/B/A OLD DOMINION POWER COMPANY  
FOR AN ADJUSTMENT OF ELECTRIC BASE RATES  
CASE NO. PUR-2021-00171

- **Kentucky Utilities Company d/b/a Old Dominion Power Company filed an application for an adjustment to its electric base rates, requesting to increase its revenues by approximately \$12.2 million, which would increase the bill of a residential customer using 1,000 kilowatt hours of electricity per month by \$24.20, from \$123.28 to \$147.48, an increase of 19.63%.**
- **A Hearing Examiner appointed by the Commission will hold a telephonic hearing in this case on March 9, 2022, at 10 a.m., for the receipt of public witness testimony.**
- **An evidentiary hearing will be held on March 10, 2022, at 10 a.m., either in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means. Further details on this hearing will be provided by subsequent Commission Order or Hearing Examiner's Ruling.**
- **Further information about this case is available on the SCC website at:  
[scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).**

On August 31, 2021, Kentucky Utilities Company d/b/a Old Dominion Power Company ("KU/ODP" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") requesting authority to adjust its electric base rates pursuant to Chapter 10 of Title 56 of the Code of Virginia ("Code") and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-Owned Electric Utilities.

KU/ODP seeks an increase in base rates to produce an increase in revenues in the amount of approximately \$12.2 million, which is an 18.1% increase in its total operating revenues,

including fuel. The Company indicates that this rate request is based on a 10.40% return on common equity. Additionally, KU/ODP proposes to increase its basic service charge for residential service. Specifically, for residential customers, the Company proposes a basic service charge of \$15.00 per month. This represents a \$3.00 increase to the Company's current \$12.00 basic service charge for residential service.

If KU/ODP's proposed rate increase is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to the Company, the proposed increase would raise the monthly bill of a residential customer using 1,000 kilowatt hours per month by \$24.20, from \$123.28 to \$147.48, an increase of 19.63%. KU/ODP proposes an effective date of October 1, 2021, for the increase with the expectation that the Commission will suspend enforcement of the proposed rates, rules, and regulations until the Commission's final order is entered in this proceeding, pursuant to Code § 56-238.

According to the Application, KU/ODP plans on deploying Advanced Metering Infrastructure ("AMI") in its Virginia service territory. The Company states that the capital investment required for full AMI deployment in Virginia is less than \$8 million. The Company further represents that full deployment of AMI in Virginia is the most cost-effective solution for reading meters, saving KU/ODP customers nearly \$5 million. KU/ODP states that the cost of the AMI plans will not have any effect on customer bills as a result of this case. The Company also states that in its first base rate application following the completion of its Virginia AMI deployment, it will include optional time-of-day rates for residential and general service customers to help customers maximize their savings opportunities. The Company states that customers electing to opt out of having an AMI meter installed, or to have it removed if already installed, will pay a set-up charge of \$33.00 and a recurring monthly charge of \$14.00 related to ongoing costs of opt-outs, including meter reading costs. KU/ODP requests the Commission issue a declaratory order that a certificate of public convenience and necessity is not required under Virginia law for the Company's planned AMI project; or in the alternative, if the Commission determines that a certificate is required, then the Company requests the Commission grant a certificate of public convenience and necessity for the proposed AMI deployment.

Additionally, KU/ODP proposes a demand-side management and energy efficiency ("DSM") pilot program in this case. The Company states that if, in this case, the Commission

approves its proposed process to implement a DSM pilot program, KU/ODP will proceed with the evaluation and design of DSM programs and then request implementation of the programs and a cost-recovery rider in a separate filing. KU/ODP states that the implementation filing will include the proposed programs, the evaluation of their cost-effectiveness, the cost of the proposed programs to be recovered in the rider, and the implementation and billing of the rider. The Company proposes, as part of the pilot program, to reduce its annual energy jurisdictional retail sales by 0.02 percent beginning in 2024. KU/ODP requests the Commission issue a declaratory order finding that KU/ODP's proposed DSM pilot program satisfies KU/ODP's requirement under Code § 56-596.2.

The Application also includes proposed revisions to the Company's tariffs, including revisions to Private Outdoor Lighting Service (Rate P.O.L.T.); the Disconnecting and Reconnecting Service Charge; the Meter Pulse Charge; Standard Rate Rider NMS, Net Metering Service; Standard Rate Rider TS, Temporary/Seasonal Service; Standard Rate Rider GT, Green Tariff; Standard Rate Rider EDR, Economic Development Rider; and the Company's Terms and Conditions of Service.

The Commission has suspended implementation of the proposed revisions to the Company's rates, tolls, and charges until a final order is issued in this proceeding.

The foregoing is not an exhaustive list of all the proposals contained in the Company's Application. Interested persons are encouraged to review the Company's Application and supporting documents in full for details about these and other proposals.

TAKE NOTICE that the Commission may approve revenues and adopt rates, fees, charges, tariff revisions, and terms and conditions of service that differ from those appearing in the Company's Application and supporting documents and may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Company's Application and supporting documents.

The Commission entered an Order for Notice and Hearing that, among other things, scheduled public hearings on KU/ODP's Application. On March 9, 2022, at 10 a.m., a Hearing Examiner appointed by the Commission will hold a telephonic hearing for the purpose of receiving the testimony of public witnesses, with no public witness present in the Commission's courtroom. On or

before March 4, 2022, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141. This public witness hearing will be webcast at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting).

On March 10, 2022, at 10 a.m., either in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means, a Hearing Examiner appointed by the Commission will convene a hearing to receive testimony and evidence offered by the Company, any respondents, and the Commission's Staff on the Company's Application. Further details on this hearing will be provided by subsequent Commission Order or Hearing Examiner's Ruling.

The Commission has taken judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice. Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission has directed that service on parties and the Commission's Staff in this matter shall be accomplished by electronic means. Please refer to the Commission's Order for Notice and Hearing for further instructions concerning Confidential or Extraordinarily Sensitive Information.

An electronic copy of the public version of the Company's Application may be obtained by submitting a written request to counsel for the Company, Kendrick R. Riggs, Esquire, Stoll

Keenon Ogden PLLC, 500 West Jefferson Street, Suite 2000,  
Louisville, Kentucky 40202-2828, or  
[kendrick.riggs@skofirm.com](mailto:kendrick.riggs@skofirm.com).

On or before March 3, 2022, any interested person may submit comments on the Application electronically by following the instructions on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](https://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2021-00171.

On or before November 12, 2021, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: [scc.virginia.gov/clk/efiling](https://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. A copy of the notice of participation as a respondent also must be sent to counsel for the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2021-00171.

On or before January 7, 2022, each respondent may file with the Clerk of the Commission, at the address above or at [scc.virginia.gov/clk/efiling](https://scc.virginia.gov/clk/efiling), and serve on the Commission's Staff, the Company, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. In all filings, respondents shall comply with the Commission's Rules of Practice, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2021-00171.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the

paper. In all other respects, except as modified by the Commission's Order for Notice and Hearing, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The public version of the Company's Application and other documents filed in this case, the Commission's Rules of Practice, and the Commission's Order for Notice and Hearing may be viewed at: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

KENTUCKY UTILITIES COMPANY  
D/B/A OLD DOMINION POWER COMPANY

(10) The Company shall serve each official listed in 20 VAC 5-204-10 J 1 as provided by 20 VAC 5-204-10 J 2.

(11) On or before November 12, 2021, the Company shall file proof of the notice and service required by Ordering Paragraphs (9) and (10), including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, or by filing electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/).

(12) On or before March 3, 2022, any interested person may submit written comments on the Application by following the instructions found on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2021-00171.

(13) On or before November 12, 2021, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address

listed in Ordering Paragraph (12). Such notice of participation shall include the email addresses of such parties or their counsel, if available. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2021-00171.

(14) Within three (3) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the public version of its Application on the respondent.

(15) On or before January 7, 2022, each respondent may file with the Clerk of the Commission, at the address in Ordering Paragraph (12) or at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling), and serve on the Staff, the Company, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. In all filings, respondents shall comply with the Commission's Rules of Practice, as modified herein, including, but not limited to: 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2021-00171.

(16) On or before February 4, 2022, the Staff shall investigate the Application and file with the Clerk of the Commission its testimony and exhibits concerning the Application, and each Staff witness's testimony shall include a summary not to exceed one page. A copy thereof shall be served on counsel to the Company and all respondents.

(17) On or before February 22, 2022, KU/ODP shall file with the Clerk of the Commission any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed one page. The Company shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents.

(18) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

(19) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.<sup>27</sup> Except as modified herein, discovery shall be in accordance with Part IV of the Rules of Practice, 5 VAC 5-20-240 *et seq.*

(20) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 500 West Jefferson Street, Suite 2000, Louisville,

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<sup>27</sup> The assigned Staff attorney is identified on the Commission's website, [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information), by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2021-00171 in the appropriate box.



Kentucky 40202-2828, [kendrick.riggs@skofirm.com](mailto:kendrick.riggs@skofirm.com); Robert M. Conroy, Vice President, State Regulation and Rates, LG&E and KU Services Company, 220 West Main Street, Louisville, Kentucky 40202, [robert.conroy@lge-ku.com](mailto:robert.conroy@lge-ku.com); Allyson K. Sturgeon, Managing Senior Counsel, Regulatory and Transactions, and Sara V. Judd, Senior Corporate Attorney, LG&E and KU Services Company, 220 West Main Street, Louisville, Kentucky 40202, [allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com), [sara.judd@lge-ku.com](mailto:sara.judd@lge-ku.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8<sup>th</sup> Floor, Richmond, Virginia 23219-3424, [mbrowder@oag.state.va.us](mailto:mbrowder@oag.state.va.us).